


FILED

MAY 11 2017

THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
WACO DIVISION

CLERK, U.S. DISTRICT CLERK
WESTERN DISTRICT OF TEXAS
BY  DEPUTY

ANNE ARMSTRONG, et al.,

Plaintiffs,

6:15-cv-294

v.

CURVES INTERNATIONAL, Inc.,

Defendant.

ORDER AND JUDGMENT

This matter came before the Court for jury trial on April 10, 2017. Upon deliberation, the jury returned its *Verdict*¹ on April 21, 2017. The Court hereby enters its Order and Judgment in accordance with the verdict of the jury as follows:

The Court enters judgment in favor of Plaintiff A2D Enterprises, LLC in the amount of \$13,815.00. As to the Defendant's *Counterclaim*,² judgment is entered in favor of Plaintiff A2D Enterprises, LLC. Costs to be assessed against Defendant.

The Court enters judgment in favor of Plaintiff BeverlyRuth, LLC in the amount of \$54,570.00. As to the Defendant's *Counterclaim*,³ judgment is entered in favor of Plaintiff BeverlyRuth, LLC. Costs to be assessed against Defendant.

The Court enters judgment in favor of Plaintiff Women's Fitness of Wausau, Inc concerning the Wausau location in the amount of \$0.00. Costs to be assessed against Plaintiff.

¹ Rec. Doc. 154.

² Rec. Doc. 29.

³ *Id.*

The Court enters judgment in favor of Plaintiff Women's Fitness of Wausau, Inc concerning the Boulder City location in the amount of \$0.00. Costs to be assessed against Plaintiff.

The Court enters judgment in favor of Plaintiff GB Fitness, LLC concerning the Golden Gates location in the amount of \$49,285.00. Costs to be assessed against Defendant.

The Court enters judgment in favor of Plaintiff GB Fitness, LLC concerning the Naples location in the amount of \$49,285.00. As to the Defendant's *Counterclaim*,⁴ judgment is entered in favor of Plaintiff GB Fitness, LLC. Costs to be assessed against Defendant.

The Court enters judgment in favor of Plaintiff Hi Heels, LLC in the amount of \$41,976.00. Costs to be assessed against Defendant.

The Court enters judgment in favor of Plaintiff Kerrie Chatelain in the amount of \$41,976.00. Costs to be assessed against Defendant.

The Court enters judgment in favor of Plaintiff DAR JAC, LLC in the amount of \$32,008.00. As to the Defendant's *Counterclaim*,⁵ judgment is entered in favor of Plaintiff DAR JAC, LLC. Costs to be assessed against Defendant.

The Court enters judgment in favor of Plaintiff Teresa Collier concerning the Spartanburg West location in the amount of \$3,680.00. As to the Defendant's

⁴ *Id.*

⁵ *Id.*

Counterclaim,⁶ judgment is entered in favor of Plaintiff Teresa Collier. Costs to be assessed against Defendant.

The Court enters judgment in favor of Plaintiff Body Design, Inc. in the amount of \$0.00. As to the Defendant's *Counterclaim*⁷ against Counter Defendants, Body Design DCI, Inc and Body Design 2, Inc. judgment is entered in favor of Counter Defendants, Body Design DCI, Inc. and Body Design 2, Inc. Each party shall bear their own costs.

The Court enters judgment in favor of Plaintiff Lee Lynn Lifestyles, LLC in the amount of \$143,928.00. As to the Defendant's *Counterclaim*,⁸ judgment is entered in favor of Plaintiff Lee Lynn Lifestyle, LLC. Costs to be assessed against Defendant.

The Court enters judgment in favor of Plaintiff Denise Edmiston in the amount of \$41,360.00. As to the Defendant's *Counterclaim*,⁹ judgment is entered in favor of Plaintiff Denise Edmiston. Costs to be assessed against Defendant.

The Court enters judgment in favor of Plaintiff Saintfield, LLC in the amount of \$40,000.00. As to the Defendant's *Counterclaim*,¹⁰ judgment is entered in favor of Plaintiff Saintfield, LLC. Costs to be assessed against Defendant.

The Court enters judgment in favor of Plaintiff Gypse, LLC in the amount of \$70,400.00. Costs to be assessed against Defendant.

⁶ *Id.*

⁷ *Id.*

⁸ Rec. Doc. 29.

⁹ *Id.*

¹⁰ *Id.*

The Court enters judgment in favor of Plaintiff Executive Accounting & Tax Services, Ltd. in the amount of \$16,462.00. As to the Defendant's *Counterclaim*¹¹, judgment is entered in favor of Plaintiff Executive Accounting & Tax Services, Ltd. Costs to be assessed against Defendant.

The Court enters judgment in favor of Plaintiff Rivah Fit Corporation in the amount of \$22,240.00. Costs to be assessed against Defendant.

The Court enters judgment in favor of Plaintiff Teresa Collier concerning the Duncan location in the amount of \$3,680.00. As to the Defendant's *Counterclaim*,¹² judgment is entered in favor of Plaintiff Teresa Collier. Costs to be assessed against Defendant.

The Court enters judgment in favor of Plaintiff Tiffany and Zachary Collins in the amount of \$30,482.00. Costs to be assessed against Defendant.

The Court enters judgment in favor of Plaintiff Be Strong, LLC in the amount of \$0.00. Costs to be assessed against Plaintiff.

The Court enters judgment in favor of Plaintiff Body Design, Inc. in the amount of \$0.00. As to the Defendant's *Counterclaim*¹³ against Counter Defendants, Body Design DCI, Inc and Body Design 2, Inc. judgment is entered in favor of Counter Defendants, Body Design DCI, Inc. and Body Design 2, Inc. Each party shall bear their own costs.

¹¹ *Id.*

¹² *Id.*

¹³ *Id.*

The Court enters judgment in favor of Plaintiff Lee Lynn Lifestyles, LLC in the amount of \$143,928.00. As to the Defendant's *Counterclaim*,¹⁴ judgment is entered in favor of Plaintiff Lee Lynn Lifestyle, LLC. Costs to be assessed against Defendant.

The Court enters judgment in favor of Plaintiff Denise Edmiston in the amount of \$41,360.00. As to the Defendant's *Counterclaim*,¹⁵ judgment is entered in favor of Plaintiff Denise Edmiston. Costs to be assessed against Defendant.

The Court enters judgment in favor of Plaintiff Saintfield, LLC in the amount of \$40,000.00. As to the Defendant's *Counterclaim*,¹⁶ judgment is entered in favor of Plaintiff Saintfield, LLC. Costs to be assessed against Defendant.

The Court enters judgment in favor of Plaintiff Gypse, LLC in the amount of \$70,400.00. Costs to be assessed against Defendant.

The Court enters judgment in favor of Plaintiff Executive Accounting & Tax Services, Ltd. in the amount of \$16,462.00. As to the Defendant's *Counterclaim*,¹⁷ judgment is entered in favor of Plaintiff Executive Accounting & Tax Services, Ltd. Costs to be assessed against Defendant.

The Court enters judgment in favor of Plaintiff Rivah Fit Corporation in the amount of \$22,240.00. Costs to be assessed against Defendant.

¹⁴ Rec. Doc. 29.

¹⁵ *Id.*

¹⁶ *Id.*

¹⁷ *Id.*

The Court enters judgment in favor of Plaintiff K&M Fitness, LLC in the amount of \$61,840.00. As to the Defendant's *Counterclaim*,¹⁸ judgment is entered in favor of Plaintiff K&M Fitness, LLC. Costs to be assessed against Defendant.

The Court enters judgment in favor of Plaintiff Diva Deb, Inc. in the amount of \$25,500.00. As to the Defendant's *Counterclaim*,¹⁹ judgment is entered in favor of Plaintiff Diva Deb, Inc. Costs to be assessed against Defendant.

The Court enters judgment in favor of Plaintiff Frost Enterprises, Inc. in the amount of \$58,608.00. As to the Defendant's *Counterclaim*,²⁰ judgment is entered in favor of Plaintiff Frost Enterprises, Inc. Costs to be assessed against Defendant.

The Court enters judgment in favor of Plaintiff Women's Health, LLC in the amount of \$62,356.00. Costs to be assessed against Defendant.

The Court enters judgment in favor of Plaintiff James Gasson, Jr. concerning the Annandale location in the amount of \$62,356.00. Costs to be assessed against Defendant.

The Court enters judgment in favor of Plaintiff James Gasson, Jr. concerning the Alexandria-West location in the amount of \$62,356.00. As to the Defendant's *Counterclaim*²¹ against Counter Defendant, James Gasson, Jr. concerning the Alexandria- East location, judgment is entered in favor of Counter Defendants, James Gasson, Jr. Costs to be assessed against Defendant.

¹⁸ *Id.*

¹⁹ Rec. Doc. 29.

²⁰ *Id.*

²¹ *Id.*

The Court enters judgment in favor of Plaintiff Ann Guzdial & John McIntosh in the amount of \$2,720.00. Costs to be assessed against Defendant.

The Court enters judgment in favor of Plaintiff Surfside Fitness, LLC in the amount of \$30,088.00. As to the Defendant's *Counterclaim*,²² judgment is entered in favor of Plaintiff Surfside Fitness, LLC. Costs to be assessed against Defendant.

The Court enters judgment in favor of Plaintiff Gilpin Avenue Fitness, Inc. concerning the Wilmington location in the amount of \$0.00. As to the Defendant's *Counterclaim*,²³ judgment is entered in favor of Plaintiff Gilpin Avenue Fitness, Inc. Each party shall bear their own costs.

The Court enters judgment in favor of Plaintiff Gilpin Avenue Fitness, Inc. concerning the Talleyville location in the amount of \$0.00. As to the Defendant's *Counterclaim*,²⁴ judgment is entered in favor of Plaintiff Gilpin Avenue Fitness, Inc. Each party shall bear their own costs.

The Court enters judgment in favor of Plaintiff Bonnilee Jones in the amount of \$28,200.00. As to the Defendant's *Counterclaim*,²⁵ judgment is entered in favor of Plaintiff Bonnilee Jones. Costs to be assessed against Defendant.

The Court enters judgment in favor of Plaintiff Spring Kamp, LLC in the amount of \$63,455.00. As to the Defendant's *Counterclaim*,²⁶ judgment is entered in favor of Plaintiff Spring Kamp, LLC. Costs to be assessed against Defendant.

²² *Id.*

²³ *Id.*

²⁴ *Id.*

²⁵ Rec. Doc. 29.

²⁶ *Id.*

The Court enters judgment in favor of Plaintiff Ruth Kieffer in the amount of \$8,972.00. Costs to be assessed against Defendant.

The Court enters judgment in favor of Plaintiff J&K Health, LLC in the amount of \$32,612.00. As to the Defendant's *Counterclaim*,²⁷ judgment is entered in favor of Plaintiff J&K Health, LLC. Costs to be assessed against Defendant.

The Court enters judgment in favor of Plaintiff Judith McCrary in the amount of \$6,261.00. As to the Defendant's *Counterclaim*,²⁸ judgment is entered in favor of Plaintiff Judith McCrary. Costs to be assessed against Defendant.

The Court enters judgment in favor of Plaintiff Freshstart Fitness, LLC in the amount of \$3,844.00. As to the Defendant's *Counterclaim*,²⁹ judgment is entered in favor of Plaintiff Freshstart Fitness, LLC. Costs to be assessed against Defendant.

The Court enters judgment in favor of Plaintiff SEO Group, LLC in the amount of \$42,400.00. Costs to be assessed against Defendant.

The Court enters judgment in favor of Plaintiff Tricia and Stephen Petrinovich in the amount of \$37,038.00. As to the Defendant's *Counterclaim*,³⁰ judgment is entered in favor of Plaintiff Tricia and Stephen Petrinovich. Costs to be assessed against Defendant.

²⁷ *Id.*

²⁸ *Id.*

²⁹ *Id.*

³⁰ *Id.*

The Court enters judgment in favor of Plaintiff Fitness Queens, LLC in the amount of \$12,899.00. As to the Defendant's *Counterclaim*,³¹ judgment is entered in favor of Plaintiff Fitness Queens, LLC. Costs to be assessed against Defendant.

The Court enters judgment in favor of Plaintiff SH Price, Inc in the amount of \$20,681.00. As to the Defendant's *Counterclaim*,³² judgment is entered in favor of Plaintiff SH Price, Inc. Costs to be assessed against Defendant.

The Court enters judgment in favor of Plaintiff Keeping You Fit, Inc. in the amount of \$49,600.00. Costs to be assessed against Defendant.

The Court enters judgment in favor of Plaintiff SMJJ, Inc. in the amount of \$14,560.00. As to the Defendant's *Counterclaim*,³³ judgment is entered in favor of Plaintiff SMJJ, Inc. Costs to be assessed against Defendant.

The Court enters judgment in favor of Plaintiff Faw-Rose Fitness, LLC concerning the Wilkes County – East location in the amount of \$2,105.00. As to the Defendant's *Counterclaim*,³⁴ judgment is entered in favor of Plaintiff Faw-Rose Fitness, LLC. Costs to be assessed against Defendant.

The Court enters judgment in favor of Plaintiff Faw-Rose Fitness, LLC concerning the Wilkes County – West location in the amount of \$77,885.00. As to the Defendant's *Counterclaim*,³⁵ judgment is entered in favor of Plaintiff Faw-Rose Fitness, LLC. Costs to be assessed against Defendant.

³¹ Rec. Doc. 29.

³² *Id.*

³³ *Id.*

³⁴ *Id.*

³⁵ *Id.*

As to the claim for breach of contract by Plaintiff KSG, LLC, concerning the Glenville Township location, as set forth in Count 78 of the *Amended Complaint*.³⁶ The Court enters judgment in favor of Plaintiff KSG, LLC concerning the Glenville Township location in the amount of \$13,872.00. Costs to be assessed against Defendant.

The Court enters judgment in favor of Plaintiff KSG, LLC concerning the Halfmoon location in the amount of \$13,872.00. Costs to be assessed against Defendant.

The Court enters judgment in favor of Plaintiffs Joy Samson and Jacqueline Telles in the amount of \$18,488.00. Costs to be assessed against Defendant.

The Court enters judgment in favor of Plaintiff JTS Enterprises, LLC in the amount of \$19,202.00. As to the Defendant's *Counterclaim*,³⁷ judgment is entered in favor of Plaintiff JTS Enterprises, LLC. Costs to be assessed against Defendant.

The Court enters judgment in favor of Plaintiff Scott and Lisa Singleton concerning the Hampstead location in the amount of \$5,484.00. As to the Defendant's *Counterclaim*,³⁸ judgment is entered in favor of Plaintiff Scott and Lisa Singleton. Costs to be assessed against Defendant.

The Court enters judgment in favor of Plaintiff Scott Singleton concerning the Manchester location in the amount of \$32,904.00. Costs to be assessed against Defendant.

³⁶ Rec. Doc. 24, ¶753-758.

³⁷ Rec. Doc. 29.

³⁸ *Id.*

The Court enters judgment in favor of Plaintiff Stacy Vano in the amount of \$75,685.00. As to the Defendant's *Counterclaim*,³⁹ judgment is entered in favor of Plaintiff Stacy Vano. Costs to be assessed against Defendant.

The Court enters judgment in favor of Plaintiffs Rita and John Viskup in the amount of \$25,600.00. Costs to be assessed against Defendant.

All Judgments contained herein shall accrue post-judgment interest pursuant to the provisions of 28 U.S.C. § 1961(a) because Texas law allows for "[p]ostjudgment interest on a money judgment of a court in this state."⁴⁰

Signed in Baton Rouge, Louisiana on May 11, 2017

A handwritten signature in cursive script, reading "Shelly D. Dick", written over a horizontal line.

JUDGE SHELLY D. DICK
UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF LOUISIANA

³⁹ *Id.*

⁴⁰ *Venting v. Johnson*, 466 S.W.3d 143, 149 (Tex. 2015)(quoting TEX. FIN. CODE § 304.005(a)).